

REMARKS

This amendment is filed in response to the Office Action dated October 15, 2008. Claims 1-9 are pending in the present application. Claims 1-3, 5, 7 and 8 are rejected. Claims 1-3, 5, 7 and 8 have been canceled without prejudice or disclaimer of subject matter therein or equivalents thereof. Claims 4, 6, and 9 are objected to and have been amended. No new matter is involved. Applicant respectfully requests reconsideration of the subject application

I. STATUS OF THE CLAIMS

In the Action, Claims 1-3, 5, 7 and 8 are rejected under 35 U.S.C. § 102(e), (hereinafter, "Section 102(e)") as being anticipated by Erchak et al., (U.S. PUB No: 2004/0206962, hereinafter, "Erchak").

Claims 1-3, 5, 7 and 8 are also rejected under 35 U.S.C. § 103, (hereinafter, "Section 103") as being unpatentable over Erchak.

Applicant respectfully traverses the rejections and requests reconsideration for all pending claims in light of the remarks below.

II. SECTION 102(e) REJECTIONS

In the interest of moving prosecution of the present application forward, Applicant respectfully requests that claims 1-3, 5, 7 and 8 be canceled without prejudice or disclaimer of the subject matter therein or equivalents thereof. Accordingly, the rejection against these claims is believed to be moot.

III. SECTION 103 REJECTIONS

As mentioned above, in the interest of moving prosecution of the present application forward, Applicant respectfully requests that claims 1-3, 5, 7 and 8 be canceled without prejudice or disclaimer of the subject matter therein or equivalents thereof. Accordingly, the rejection against these claims is believed to be moot.

IV. ALLOWABLE CLAIMS

As claims 4, 6 and 9 are objected to but would be allowable if rewritten in independent form to include all the limitation of the base claim and any intervening claims, Applicant respectfully submits amended claims 4, 6, and 9. Claims 4, 6, and 9 have been rewritten to include all the limitations of their respective base claims upon which each depend from and are therefore believed allowable.

V. CONCLUSION

The above-discussed remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

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